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BY THE HOUSE OF DELEGATES,
FEBRUARY 2, 1864.

Read and ordered to be printed.

REPORT

OF THE

COMMITTEE

ON

COLORED POPULATION.

WITH ACCOMPANYING BILL.

JANUARY SESSION, 1864.

ANNAPOLIS :
BULL & TUTTLE.
1864.

REPORT.

ANNAPOLIS, February 2, 1864.

The undersigned, a majority of the committee on Colored Population, have had under consideration the subject matter, submitted under an order of the House, and they beg leave to report that they have examined the sections of the sixty-sixth article of the Code of Public General Laws, in relation to "Negroes." They are of the opinion that the repeal of the forty-fourth section of said article, would only serve to damage the material interests of Maryland, and operate to the injury of that portion of our population soon to be put forward on a course of improvement by changes in our Organic Law.

The geographical position of Maryland, a sort of gateway as it were, for all going and coming, North and South, forbids at this time the idea of making its territory an asylum for every grade of the negro race, free, slave and contraband, suddenly thrown on their own resources. We have over eighty thousand free negroes throughout the different counties, and these afford sufficient scope for our Legislation without additional incubus.

The undersigned believe that a true and healthy public sentiment tends towards the gradual employment of white labor in every department, and when slavery is waning and disappearing, it is the bounden duty of the General Assembly not to throw stumbling blocks in the way of white labor. To repeal the forty-fourth section of article sixty-six, at this time would cause such an influx of negroes as would come nigh Africanizing the State; for the Army of the Potomac as a necessary consequence of its progress, throws its thousands on contiguous territory. The policy of Maryland in discouraging immigration is in accordance with the well known action of Illinois, Indiana and other Western and North Western States. Temporary expedients for the purpose of meeting real or imaginary wants in regard to labor, are unbecoming in Legislators, and more so when the whole subject of our negro population in all its details is so soon to

be reviewed in a Constitutional Convention. The bettering of incomes by increased crops may induce individuals to avail themselves of the services of any at hand ; but any short sighted policy carried out in Legislation might mar the future progress of the State and the higher claims of white labor.

The undersigned have no faith in the dogma of social equality for the negro race here in the United States, and with every disposition to sustain changes in the Constitution, they cannot consent to undermine and set at naught every principle heretofore established in regard to negro immigration, under the peculiar circumstances of the times. The opposition to slavery as being in the way of our prosperity is by no means the great question of to day or yesterday. An intense feeling newly aroused may have claimed this sentiment as all its own, and something new under the sun ; but this determined opposition has always existed in Maryland. One of the early acts of the General Assembly to which the committee has had occasion to refer, is made to turn upon the point of having slaves Christianized, who, when ceasing to be Pagans by the rite of Baptism, became under popular faith and usages of the county freedmen ; so general indeed, was the belief that our Legislature had to negative the idea by special enactment, lest selfishness should sway the master's mind and cause him to forget the mutual relations between him and his African slave, Baptism was therefore, no longer to give freedom.

It was the commercial cupidity of England, that retained Slavery in the Colonies against the avowed interests of governments and people. At any step in the earlier history of this State, before and since the National Union of 1776, anti-slavery ideas have been urged as essential to prosperity and progress. The proposed act for repealing the forty-second and forty-third sections of the sixty-sixth article of the Code, is, in itself, a mere return to previous legislation when the right of manumission by deed or by last will and testament, was allowed. The men of the revolutionary era, like Luther Martin, were full of vituperation against slavery as a system, and their arguments in favor of white labor are substantially the same as used at the present day. Truth is universal.

It may well be assumed that a Convention will meet at an early day, and the undersigned deem it unadvisable to forestall, and very probably embarrass the action of that body in fixing the status of free negro population. How legislation can be made to accommodate itself to the actual condition of these people in our midst, can be ascertained far better, after being made the subject of earnest investigation, therewith all

the lights of the past and the pressing exigences of the present.

We herewith report the accompanying bill, all of which is most respectfully submitted.

DAVID KERR, JR.,
THOMAS HAMMOND,
JOHN C. TOLSON,
FRANKLIN L. GRIFFITH.

A bill entitled, "An Act to amend sections forty-four, forty-five, forty-six and fifty one of article sixty-six of the Code of Public General Laws, in relation to immigration of Free Negroes.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That sections forty-four, forty-five, forty-six and fifty-one of article sixty-six of the Code of Public General Laws, in relation to immigration of Free Negroes, be amended and re-enacted so as to read as follows :

44. No free negro, belonging to or residing in any other State, District, or Territory, shall come into this State, whether such free negro intends settling in this State or not, under the penalty of twenty dollars for the first offence ; and no free negro shall come into this State, a second time, when he has been arrested and convicted under the provisions of this section, under the penalty of two hundred dollars, the one-fourth of said two hundred dollars to the informer, and the other three-fourths to the Sheriff, for the use of the School Fund, to be recovered on complaint and conviction, before the Circuit Court of the county, or Criminal Court of Baltimore, if he be arrested in the city of Baltimore, or during the recess, before the Orphan's Court of said county or city.

45. Any free negro refusing or neglecting to pay said fine, shall be committed to the Jail of the county or city, and shall be sold by the Sheriff, at public sale, on ten days notice to the highest bidder for cash, for a term not exceeding twelve months for the first offence, and for a term not exceeding two years for the second offence.

46. After deducting the costs, charges, and a commission of ten per cent., the said Sheriff shall pay over one-fourth of the net proceeds to the informer, and the balance he shall pay over to the Treasurer of the State, for the use of the School Fund of the State of Maryland.

51. No person shall hire, employ or harbor any free negro, who shall come into this State, from any other State, District or Territory, under the penalty of two dollars for every day after the expiration of four days.

SEC. 2. *And be it enacted*, That these acts shall take effect from the date of their passage.

